

Appl. No. 10/713,233
Request for Reconsideration dated October 22, 2004

PATENT

REMARKS/ARGUMENTS

This Request for Reconsideration is responsive to the Office Action mailed on July 22, 2004, which indicates that claims 1-26 are pending and were examined. However, Applicant filed a Preliminary Amendment concurrently with the filing of this application. A copy of the return postcard indicating receipt of the Preliminary Amendment by the USPTO is attached. In that Preliminary Amendment, claims 15-26 were canceled and claims 27-30 were added so that claims 1-14 and 27-30 were pending and subject to examination.

In view of the Office Action, it appears that the claims in the Preliminary Amendment were not examined and the claims in the copy of the original application were examined. Because the incorrect claims were examined, the rejections in the Office Action are not applicable to the pending claims. *Applicant requests that a new Office Action addressing claims 1-14 and 27-30 be issued, and that the period for response be re-started to provide Applicant with an ample time to respond.*

Applicant notes that telephone calls were made to the Examiner on September 7, 2004 and September 16, 2004 to request the issuance of a new Office Action. A Request for New Office Action was faxed to the USPTO on September 21, 2004. However, to date, Applicant has not received any indication that a new Office Action is forthcoming. Accordingly, this Request for Reconsideration is being sent to again request that a new Office Action be issued.

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CONCLUSION

A favorable Action on the merits is requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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